

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

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UNITED STATES DISTRICT COURT

for the

District of South CarolinaAnderson Greenwood Division

Case No.

8:19-CV-01402-RBH-JDA

(to be filled in by the Clerk's Office)

Bobby Thompson

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint.

If the names of all the plaintiffs cannot fit in the space above,
please write "see attached" in the space and attach an additional
page with the full list of names.)SCOTTELEWIS -v- WARDEN
CURTIS EARLEY - ASSOCIATE WARDEN
HILICIA OGUNSIYE - CASE MANAGER
CLAYTON HOLBROOK - CASE WORKER
AMY R. ENLOE - NURSE PRACTITIONER

Defendant(s)

(Write the full name of each defendant who is being sued. If the
names of all the defendants cannot fit in the space above, please
write "see attached" in the space and attach an additional page
with the full list of names. Do not include addresses here.)

AMENDED

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Bobby emir Thompson
 All other names by which
 you have been known: Bobby emir Thompson
 ID Number 197011
 Current Institution Perry correctional institution
 Address 430 OAKLAWN ROAD
Pelzer S.C. 29699
 City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name AMY ENLOE
 Job or Title (*if known*) NURSE PRACTITIONER
 Shield Number N/A
 Employer South Carolina department of correction
 Address 430 OAKLAWN ROAD
Pelzer S.C. 29699
 City State Zip Code
☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name SCOTT LEWIS
 Job or Title (*if known*) WARDEN
 Shield Number N/A
 Employer South Carolina Department of correction
 Address 430 OAKLAWN ROAD
Pelzer S.C. 29699
 City State Zip Code
☒ Individual capacity ☐ Official capacity

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Defendant No. 3

Name

Curtis Earley

Job or Title (if known)

Associate Warden of operations

Shield Number

N/A

Employer

430 OAKLAWN ROAD

Address

South Carolina Department of corrections

Pelzer

S.C.

29699

City

State

Zip Code

☒

Individual capacity

☒

Official capacity

Defendant No. 4

Name

Felicia Ogunbile

Job or Title (if known)

Classification Case Manager

Shield Number

N/A

Employer

South Carolina department of correction

Address

430, OAKLAWN ROAD

Pelzer

S.C.

29699

City

State

Zip Code

☒

Individual capacity

☒

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

THE DUE PROCESS CLAUSE OF THE 14th Amendment prohibits a state from depriving any person of life, liberty or property without due process of law. My right to procedural due process amounts to the fact that prison must provide me with some amount of protection like a hearing or notice before the prison does something that harms my life.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Additional Page:

Defendent NO: 5.

NAME. Clayton Holbrook

Job or Title. Classification Case Worker.

Shield Number. N/A

EMPLOYER. South Carolina Department of Correction

Address. 430 Oaklawn Road.

Pelzer, S.C. 29699

☒ individual capacity

☒ official capacity

"UNDER COLOR OF STATE LAW"

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

THE ENTIRE INCIDENT DID OCCURE WHILE I'AM
HOUSED AT THE PERRY CORRECTIONAL INST.
IN THE RHU- DISCIPLINARY- SEGREGATION UNIT.
FROM MARCH, 2019- UNTIL- TO DAY- JUNE- 2019

C. What date and approximate time did the events giving rise to your claim(s) occur?

EVERY WORKING DAY. SINCE I GOT HERE. MARCH 2019
I HAVE COMPLAINED ABOUT MY SITUATION.

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

INMATE: DARNELL HUDSON #227328
ALBART KELLY #277334

Both These inmate's
where there, as I was
VIOLATED BY This
Administration.

CIVIL RIGHTS AND Procedural due process
AS WELL AS my equal protection rights, the
complaint indicates i am being treated differently
FROM THE other inmates.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

constant back pain
while sleeping on worn out thin tore up
mattress. that is placed on steel slabs. eye
TRAUMA. due To constant ultra bright cell light.
AS well as nurse practitioner AMY R. ENLOS
Refusal to Adhere To The Doctors orders.
Relateing To my special snack for my meds. And
her Refusal To issue skin medication and soap.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

PLAINTIFF: IS SEEKING PUNITIVE DAMAGES FOR EVIL INTENT.
AND VIOLATION OF CONSTITUTIONAL RIGHTS. BY THE
DEFENDENTS. WHOM ALSO COMMITTED obvious Retaliation
Against me for this suit. Plaintiff seeks: in the amount of
\$50,000. And compensatory DAMAGES FOR NOT ALLOWING me
To CONTACT FAMILY members "ill mother." I Also request
that all privilege be returned, as according to M.E. Level.
I request THAT all property be returned To me. THAT
WAS TAKEN when I ARRIVED here in MARCH 2019.
I, Request THAT The S.T. Level Be removed from my
STATUS Report. And THAT I Be Transferred to ANY
PRISON closer To my mother. due to her
limited Ability To TRAVEL. And THAT
medical/ Adhere To doctors request.

PLEASE NOTE: THIS PAGE IS A CONTINUATION FROM PAGE #3

BASIS FOR Jurisdiction. Paragraph B. the states actions of placing me in disciplinary Segregation. for absolutely NO reason or, no charge in any form, nor in any way relating to any current charge, is in fact, harmful to my life, by being here placed in Segregation. does not Allow me To earn goodtime credit. as I was allowed worked credit while at Kirkland C.I. before being transferred here to Perry C.I. procedural due process has two parts: The first is what has been done to me. that is written above. And the second is written below. The Prison did intentionally interfere with my constitutional protected rights by confinement that are much worse than is normal for a prisoner with my (Level - i.e. status) I have been placed on (S.T. STATUS - i.e. Level) That prohibits me from utilizing the phone system. this phone system requires that my family ADD's money to the system, for me to contact them. but, due to the fact, Perry, C.I. (i.e. The Warden Scott Lewis / The Associate Warden Curtis Early, and classification manager, Filicizogunsile / and / case worker Clayton Holbrook, has placed me on S.T. Level - STATUS. That prohibits me to use the phone. those funds are being negated from my phone account due to lack of use. so, this clearly is a violation of one of my constitutional rights, when I have not violated any rules or regulations to be on the S.T. Level - STATUS. I am not being treated under normal conditions, due to the status falsely placed on me. This STATUS - i.e. Levels. according to The classification manager / ogunsile / Warden Lewis / A/W. Curtis Early / case worker Holbrook, S.T. STATUS is applied to inmates, whom are being charged with a ~~disciplinary~~ disciplinary charge - not lee, C.I. - Please note the 2 ty

attached green sheet.

that also indicate, A mistake had been
 Made. an i under rules ~~and~~ And SCDC.
 Policy was to be placed back into
 General Population. i was never told
 about any program, nor did i ever request
 any program, nor did i ever sign-up for
 any program, nor did i ever request this yard.
 due to the Violence i was involved in
 on Perry. C.I. in 2008, when i ARRIVED here
 in MARCH. 2019. WARDEN Lewis / A/W. Earley /
 classification manager Ogunsile / CASE WORKER
 Clayton Holbrook. All indicated i would not
 be allowed to stay on this yard. plus
 i made them all aware that my mother
 is in fact very ill. And i would prefer to be
 closer to her. At this point. i have been on
 disciplinary segregation being subjected to
 constant lies, bogus charges. which i was
 again found not guilty. i have loss the chance
 to earn good time for work credit, as well
 as all other privileges allowed to inmates
 whom ARE not on segregation. S.T. STATUS
 as i am. AND i SUBMIT To The courts.
 THAT THIS ADMINISTRATION AT Perry. C.I. is
 in fact: "UNDER COLOR OF STATE LAW" ARE
 in fact Violating the 14th Amendment. And ARE
 intentionally harming my Life/Liberty/And property.
 Atypical and significant harm and hardship is
 clearly being established by The Defendants.
 ALL-UNDER COLOR STATE LAW.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

OAKLAWN ROAD,
Perry Correctional Institution, 430, Pelzer, S.C. 29699

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

Medical And Constitutional violations.
Request to staff is often times ignored
to hinder complaints THAT leads to suits.

THAT HAS BEEN ISSUED TO ME FOR YEARS
DUE TO SEVERE SKIN CONDITION.

MAY THE COURTS PLEASE NOTE: THE
MEDICAL FILE'S INCLUDED: PLUS MEDICAL
RECORDS, THAT HAS ALREADY BEEN SUBMITTED
TO THE COURTS - THE PERRY CORRECTIONAL
INSTITUTIONAL ADMIN. STRATION. THAT INCLUDES

1. WARDEN SLEWIS & SCOTT LEWIS
2. ASSOCIATE WARDEN & C. EARLEY & CURTIS EARLEY
3. CLASSIFICATION MANAGER - F. OGUNSI
4. CLASSIFICATION CASE WORKER - C. HOLBROOK
5. N.P. (AMY R. ENLOE) NURSE PRACTITIONER

IN THEIR OFFICIAL/FULL CAPACITY, WITH THEIR
ACTIONS INTERFERE WITH OR VIOLATE MY CONSTITUTIONALLY
PROTECTED RIGHTS DUE TO THE RESULTS OF THE CONDITION,
AND THE ILLEGAL CONFINEMENT THAT IS WORSE THAN NORMAL
THAN OTHER INMATES ARE TREATED.

MAY THE COURTS PLEASE RECOGNIZE THE FACT:
PLAINTIFF NEVER STATED THAT HE HAS NEVER RECEIVED
ANY CHARGES OR WRITE-UPS WHILE IN PRISON.
PLAINTIFF CLEARLY SPEAKS ABOUT HE HAS NOT GOTTEN
ANY CHARGES IN A NUMBER OF YEARS. THE DEFENDANTS
ARE ATTEMPTING TO LIE TO THE COURTS, SAYING IMPLIED
I HAVE NOT EVER GOTTEN A CHARGE IN 25 YEARS.

DATE: 6/15/19

S/ Bobby Thompson
#197011

Perry, C. I. 430.0A/KUAW RD.

Pelzer, S.C. 29699

B-X-16

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

*Filing MORE GRIEVANCES, ONLY CAUSED
MORE RETALIATION ON ME.*

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I ALERTED DEPUTY WARDEN JANET GLENN.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

NONE.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes☒ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

6/15/19

Signature of Plaintiff

Bobby Thompson

Printed Name of Plaintiff

Bobby Thompson

Prison Identification #

197011

Prison Address

Perry.C. 1.430.0AKLAWN ROAD - B-X-16PELZERS.C. 29699

City

State

Zip Code

B. For Attorneys

Date of signing:

NONE

Signature of Attorney

NONE

Printed Name of Attorney

NONE

Bar Number

NONE

Name of Law Firm

NONE

Address

NONE

City

State

Zip Code

Telephone Number

NONE

E-mail Address

NONE